



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

: Confirmation No. 4320

Norio KIMURA et al.

: Docket No. 2001-0122A

Serial No. 09/777,707

: Group Art Unit 3723

Filed February 7, 2001

: Examiner Willie W. Berry, Jr.

POLISHING APPARATUS

3723  
-20  
1-25-02  
#5  
Get to. restart  
Period

**PETITION TO RESET PERIOD OF REPLY DUE TO  
LATE RECEIPT OF OFFICE ACTION UNDER MPEP S. 710.06**

Assistant Commissioner for Patents,  
Washington, D.C.

Sir:

In the above-referenced application, an Office Action was received by the undersigned on January 7, 2002. The action carries a mail date of December 7, 2002.

Accordingly, it may be seen that this petition is being filed within 2 weeks of the date of receipt of the Office action at the correspondence address.

A substantial portion of the reply period had elapsed on the date of receipt, i.e. one month.

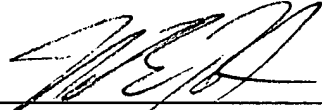
Accompanying this petition is a copy of the Office Action having the date of receipt of the Office Action at the correspondence address stamped thereon.

The date of receipt of the Office Action is thus January 7, 2002. This is established from the copy of the Office Action bearing the stamped date of receipt by the undersigned at the correspondence address, which is the undersigned's routine practice to indicate the date of receipt.

Accordingly, Applicants petition to restart the period of response from the date of receipt, i.e. January 7, 2002, in accordance with MPEP s. 710.06.

Respectfully submitted,

Norio KIMURA et al.

By:   
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January 16, 2002

THE COMMISSIONER IS AUTHORIZED  
TO CHARGE ANY DEFICIENCY IN THE  
FEES FOR THIS PAPER TO DEPOSIT  
ACCOUNT NO. 23-0975



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/777,707	02/07/2001	Norio Kimura	2001_0122A	4320

513 7590 12/07/2001  
WENDEROTH, LIND & PONACK, L.L.P.  
2033 K STREET N.W.  
SUITE 800  
WASHINGTON, DC 20006-1021

EXAMINER

BERRY, WILLIE WENDELL JR

ART UNIT	PAPER NUMBER
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3723

DATE MAILED: 12/07/2001



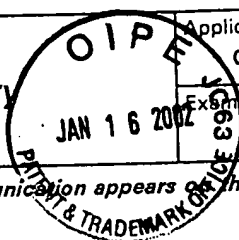
Please find below and/or attached an Office communication concerning this application or proceeding.

RECEIVED

JAN - 7 2002

WENDEROTH, LIND & PONACK

# Office Action Summary



Application No.  
09/777,707

Applicant(s)  
Kimura et al.

Examiner  
Willie Berry, Jr.

Art Unit  
3723



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Mar 27, 2001
- 2a) ☐ This action is FINAL.
- 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☒ Claim(s) 6-11 is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on Feb 7, 2001 is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some\* c) ☒ None of:

1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3
- 18) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: \_\_\_\_\_

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## DETAILED ACTION

### *Priority*

1. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Japan on 2/7/00. It is noted, however, that applicant has not filed a certified copy of the Japanese application as required by 35 U.S.C. 119(b).

### *Drawings*

2. Figures "1" and "2" should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 603.02(g).

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 2, and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Hiyama et al.

Hiyama discloses a polishing apparatus comprising: a turntable (1), a substrate holder (3), a dresser (8), and a pressure device (column 4, lines 1-5).

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*Claim Rejections - 35 USC § 103*

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hiyama et al.

Hiyama discloses as discussed above.

Hiyama does not disclose the specific kinetic frictional resistance in the cylinder and the two pressure supply devices connected to the cylinder.

In regard to claim 3, the specific kinetic frictional resistance in the cylinder would have been obvious to one having ordinary skill in the art at the time the invention was made, since it is within the general skill of a worker in the art to select optimum or workable ranges on the basis of its suitability for the user's preference as an obvious matter of design choice.

In regard to claim 4, the two pressure supply devices connected to the cylinder would have been obvious to one having ordinary skill in the art at the time the invention was made, since it appears that the invention would perform equally well with one pressure supply device connected to the cylinder as disclosed by Hiyama.

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*Allowable Subject Matter*

7. Claims 6-11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

*Conclusion*

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication from the examiner should be directed to Willie Berry whose telephone number is (703) 308-7467.

Willie Berry, Jr. :wbj  
Examiner  
Art Unit 3723  
November 30, 2001

Sheet 1 of 1

FORM PTO 1449 (modified)

ATTY DOCKET NO.  
2001\_0122ASERIAL NO.  
09/777,707U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICEAPPLICANT  
Norio KIMURA et al.LIST OF REFERENCES CITED BY APPLICANTS  
(Use several sheets if necessary)FILING DATE  
February 7, 2001GROUP  
3723

MAR 27 2001

Date Submitted to PTO: March 27, 2001

## U.S. PATENT DOCUMENTS

*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	AA						
	AB						
	AC						
	AD						
	AE						
	AF						
	AG						
	AH						
	AI						

## FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES NO
WB	AJ	0816017	1/7/98	EP			
	AK						
	AL						
	AM						
	AN						

## OTHER DOCUMENT(S) (Including Author, Title, Date, Pertinent Pages, Etc.)

	AO	
	AP	
	AQ	

EXAMINER

Willie Berry, Jr.

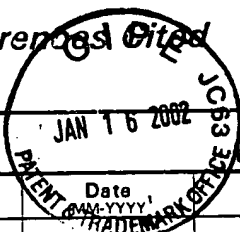
DATE CONSIDERED

11/30/01

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.



<b>Notice of References Cited</b>	Applicant/Patent Kimura et al.	Application/Control No. 09/777,707	
	Examiner Willie Berry, Jr.	Art Unit 3723	Page 1 of 1



### U.S. PATENT DOCUMENTS

	Document Number Country Code-Number-Kind Code	Date MM-YYYY <sup>1</sup>	Name	Classification <sup>2</sup>	
A	5,857,898	1/1999	Hiyama et al.	---	---
B					
C					
D					
E					
F					
G					
H					
I					
J					
K					
L					
M					

### FOREIGN PATENT DOCUMENTS

	Document Number Country Code-Number-Kind Code	Date MM-YYYY <sup>1</sup>	Country	Name	Classification <sup>2</sup>	
N						
O						
P						
Q						
R						
S						
T						

### NON-PATENT DOCUMENTS

	Include, as applicable: Author, Title, Date, Publisher, Edition or Volume, Pertinent Pages				
U					
V					
W					
X					

\* A copy of this reference is not being furnished with this Office action. See MPEP § 707.05(a). <sup>1</sup> Dates in MM-YYYY format are publication dates. <sup>2</sup> Classifications may be U.S. or foreign.